



Urbana Park District

Planning & Operations

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Urbana, IL 61801

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Office of Public Hearings

DEC 9 2004

Part of
Public Record

November 30, 2004

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St., NW, Rm 711
Washington, DC 20423

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DEC - 9 2004

SURFACE
TRANSPORTATION BOARD

Re: Norfolk Southern Railroad Company – Abandonment – County of Champaign, Illinois –
STB Docket No. AB-290 (Sub-no. 250x)

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Urbana Park District which is a government organization providing recreation and environmental programs, the City of Urbana, and the Champaign County Design and Conservation Foundation, which is a public interest organization involved in conservation efforts, which are hereinafter referred to as 'Commenters'.

While not taking a position on the merits of this abandonment, Commenters request issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between MP UM 28.50 and MP UM 28.68.

A. Public Use Condition

Commenters request the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Commenters need this much time because we have not had an

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opportunity to assemble or to review title information, complete a trail plan or commence negotiations with the carrier.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, Commenters also make the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

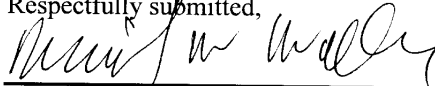
In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the Urbana Park District is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Norfolk Southern Railroad Company and operated by Norfolk Southern Railroad Company.

The property, known as the .18 section of NS rail extends from railroad milepost near MP UM 28.50 to railroad milepost near MP UM 28.68 a distance of .18 miles in Champaign County, IL. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-no. 250x).

A map depicting the right-of-way is attached.

The Urbana Park District acknowledges that use of the right-of-way is subject to the user continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

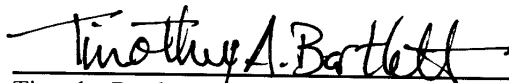
Respectfully submitted,



Michael Walker, Board President
on behalf of the Urbana Park District.

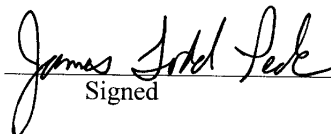


Tod Satterthwaite, Mayor of Urbana
on behalf of the City of Urbana.



Timothy Bartlett
on behalf of the Champaign County Design and
Conservation Foundation.

By my signature below, I certify service upon Norfolk Southern Railroad Company,
Environmental Protection Department, 110 Franklin Road, SE (Box 13), Roanoke, VA 24042-
0013, and Mr. Thomas W. Ambler, Esquire, Norfolk Southern Corporation, Three Commercial
Place, Norfolk, VA 23510-9241, by U.S. Mail, postage prepaid, first class, this 8th day of
December, 2004.



Signed

12-8-04

Date

cc: Norfolk Southern Railroad Company, Environmental Protection Department,
attn. Mr. Thomas W. Ambler, Esquire, Three Commercial Place, Norfolk, VA 23510-9241